

Application No. 10/044,867

REMARKS

This is responsive to the Office Action dated June 2, 2003.

The applicant hereby confirms the election made by Dennis Kelly Sullivan on 10 April 2003 to prosecute the invention of Figs 4-6, claims 1-3, 5-13, 15-22, 24-32, 34-41, and 43-46. Claims 4, 14, 23, 33, and 42 are withdrawn.

A spelling error noted in claims 1, 14, 23, 33, and 38 has been corrected.

Claims 1-3, 6-12, 15-22, 25-31, 34-40, and 43-46 were rejected under 35 USC 102(b) as being anticipated by Paul. Paul is expressly a cam operated system. The device of Paul is interposed between the cam and either the valve or the rocker arm. In both cases, the cam develops the opening stroke of the respective. The device of Paul is either hydraulically locked in its extended disposition and thereby imparts the full actuation stroke of the cam either directly or indirectly to the engine valve or it is locked at some lesser position and imparts a portion of the cam stroke to the valve. Paul relies on the incompressibility of the liquid filling the device to effect the locking of the device. Paul would be inoperable without the cam. Paul is a lift modifier.

The present invention is expressly not a cam operated system. The piston of the present actuator alone generates the stroke that is imparted to the valve. No other stroking apparatus is involved. The present invention is a lift generator. The independent claims of the application have been amended to reflect this distinction relative to Paul. It is believed that those claims and their depending claims now define over Paul.

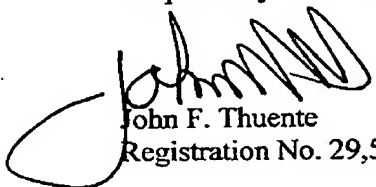
Claims 5, 13, 24, 32, and 41 were rejected under 35 USC 103(a) as being unpatentable over Paul in view of Wride. Wride too (like Paul) is a lift modifier and relies on a

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cam to generate the maximum lift, which may then be modified by the Wride. As noted above, the present invention is a lift generator. There is no teaching or structure in either Paul or Wride for a device that generates lift absent the lift provided by a cam. In view of this, it is believed that the claims noted above define over the cited art.

In view of the foregoing, it is believed that the present application ins now in condition for allowance. Notice to that effect is respectfully requested. The examiner is invited to call the undersigned if, in the examiner's view, such communication would serve to advance the prosecution of the present application.

Respectfully submitted,



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